

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CAROLYN BARKER, Plaintiff, vs. COMENITY BANK, Defendant.	CIVIL ACTION NO. ELECTRONICALLY FILED
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NOTICE OF REMOVAL

TO: United States District Court
Middle District of Pennsylvania
228 Walnut Street
Harrisburg, PA 17108

Defendant Comenity Bank (“Comenity”), by and through its counsel, Saul Ewing Arnstein & Lehr LLP, hereby files the within Notice of Removal to the United States District Court for the Middle District of Pennsylvania from the Court of Common Pleas of Luzerne County, Pennsylvania. In support thereof, Comenity states as follows:

1. On or about June 6, 2018, Plaintiff Carolyn Barker (“Plaintiff”) filed a complaint against Comenity in the Court of Common Pleas of Luzerne County, Pennsylvania, Civil Action No. 201806243 (“Complaint”). Copies of all process and pleadings are attached hereto as Exhibit A.

2. The Complaint asserts a single claim against Comenity under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, a federal law enacted by Congress. *See, e.g. Stauffer v. Navient Solutions, LLC*, 241 F.Supp.3d 517, 520 (M.D. Pa. 2017).

3. Under 28 U.S.C. § 1331, the federal district courts have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. Accordingly, this Court has original subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1331.

4. Under 28 U.S.C. § 1446(b)(1), a defendant may remove a civil action from state court to the United States district court in which the action is pending within 30 days of the defendant’s receipt of an initial pleading.

5. Comenity was served with the Complaint on June 7, 2018. Therefore, this Notice of Removal is filed within 30 days after service of the Complaint on Comenity.

6. A true and correct copy of the Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Luzerne County, Pennsylvania, contemporaneously with the filing hereof.

7. The within Notice of Removal is given subject to and without waiver of any rights Comenity may have with respect to Plaintiff’s claims.

WHEREFORE, Defendant Comenity Bank respectfully removes this matter to this Court.

Respectfully submitted,

Dated: June 27, 2018

/s/ Matthew M. Haar

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Attorneys for Defendant, Comenity Bank

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2018, I served a true and correct copy of the foregoing Notice of Removal via first class mail, postage prepaid, upon the following:

Brett Freeman
Sabatini Freeman LLC
216 N. Blakely St.
Dunmore, PA 18512

Attorneys for Plaintiff

Dated: June 27, 2018

/s/ Matthew M. Haar

Matthew M. Haar